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REMARKS

These remarks and the proposed amendment respond to the August 17, 1999, Final Rejection. In the Office Action Summary, the Examiner listed claims 1 - 44 as pending. The Examiner allowed claims 1 - 21 and 44. Claim 42 was rejected. Claim 43 was objected to. Claims 1 - 44 were listed as being subject to a restriction requirement. In responding to the Examiner, the objections and rejections will be answered in the order presented.

Election/Restriction

The proposed amendment would cancel claims 22-41 which encompass the non-elected invention. This express cancellation is to further the election made on October 30, 1998.

Specification

The claims should be numbered as the Examiner suggests; claims 22-24 which were added in the July 8, 1999 response should have been numbered 42-44. All references in this Amendment and Response will be made to claims as renumbered.

Claim Rejections--35 U.S.C. §112

The proposed amendment to claim 42 in subsection (g) overcomes the rejection by connecting the means for orienting the test strip to the surface of said upper layer. One passage that provides

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antecedent basis for this proposed amendment can be found at page 9, line 29, through page 10, line 9, of the original specification.

Allowable Subject Matter

The Examiner indicated that claims 1 and 3 - 21 are allowable.

The Examiner continued that claim 42 would be allowable if rewritten to overcome the 35 USC §112, ¶2, rejection. The proposed amendment should overcome this rejection by adding how the means for orienting the test strip connects to the upper surface.

The Examiner objected to claim 43 as being based on a rejected claim, claim 42. As the rejection to claim 42 has been overcome by the proposed amendment, claim 43 is also put in a condition for allowance.

Finally, although no allowance has been expressly granted for claim 2, claim 2 should be allowed because no rejections have been made.

Conclusion

The proposed amendment should be entered after final rejection because the amendment places the application in better condition for allowance. Furthermore, once entered, all pending claims 1-21 and 42-44 will be in a condition for allowance.

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Respectfully submitted,



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